

ZONING RESOLUTION

ALLEN TOWNSHIP

UNION COUNTY, OHIO

ALLEN TOWNSHIP
16945 ALLEN CENTER ROAD
MARYSVILLE, OHIO 43040
937-642-9551

ALLEN TOWNSHIP ZONING RESOLUTION
ORIGINAL RESOLUTION ADOPTED SEPTEMBER 6, 1972

AMENDMENTS AND REVISIONS ADOPTED
ON THE FOLLOWING DATES:

APRIL 9, 1981
FEBRUARY 2, 1987
DECEMBER 22, 1987
JANUARY 1, 1988
JUNE 28, 1988
OCTOBER 21, 1989
SEPTEMBER 14, 1992

Major Revision
DECEMBER 7, 1998

OCTOBER 4, 1999
DECEMBER 20, 2000
OCTOBER 6, 2001
MARCH 2, 2007
SEPTEMBER 14, 2008

The Official Zoning Map, including current changes, may be viewed at the office of the Zoning Inspector, at 16945 Allen Center Road, Marysville, Ohio, 43040, 937-642-9551.

ALLEN TOWNSHIP TRUSTEES

Ronald Chapman
Don McCreary
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ALLEN TOWNSHIP FISCAL OFFICER

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ALLEN TOWNSHIP ZONING APPEALS BOARD

Gary Bowman
Nancy Kovacs
Bill Streng
Justin Store
H. Leland Walk

ALLEN TOWNSHIP ZONING INSPECTOR

Gary Smallwood

OVERVIEW OF ALLEN TOWNSHIP

Allen Township Building
16945 Allen Center Road
Marysville OH 43040
www.allentwp.org

Township hall available for rent by contacting Township Secretary at 937.642.9551.

Allen Township Fire Department
16945 Allen Center Road
Marysville OH 43040

Fulltime fire and emergency squad available at all times. Fully equipped station for service and training.

Medflight Helicopter Ambulance located behind the fire station. Fully staffed all the time.

Community park adjacent to the Community Building for use by all township residents.

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ALLEN TOWNSHIP ZONING RESOLUTION

A RESOLUTION TO THE TOWNSHIP OF ALLEN, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 519, OHIO REVISED CODE, AND FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE; DIVIDING THE UNINCORPORATED PORTION OF THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN, THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING ORDERLY DEVELOPMENT OF THE RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AND DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATING OFFICERS AS PROVIDED HEREINAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO; AND FOR THE REPEAL, BE IT RESOLVED BY THE TOWNSHIP TRUSTEES OF ALLEN, UNION COUNTY, STATE OF OHIO:

ARTICLE I TITLE OF RESOLUTION

Section 100

Title

This Resolution shall be known and may be cited and referred to as the "Zoning Resolution of the Township of Allen, County of Union, State of Ohio".

ARTICLE II ESTABLISHMENT OF DISTRICTS

Section 200 District Types

The Township is hereby divided into fourteen districts as follows: Rural District, Low Density Residential District, Medium Density Residential District, Professional Service District, Institutional or Quasi public District, Retail Store District, Heavy Retail District, Wholesale District, Special Recreation District - Club, Special Recreation District - Amusement, Special Recreation District - Park, Light Manufacturing District, Heavy Manufacturing District and Special Limited Industrial District.

Section 210 Rural District (U-1)

The intention of the rural district is to provide land, which is suitable or used for agriculture, conservation, and very low-density residence not to exceed one (1) family per 87,120 sq. ft. or two (2) acres. Very low-density residential land use refers to farm housing units and isolated residential developments not requiring a plat under the county subdivision regulations. On-site water and sewer facilities are permitted, provided such facilities comply with the county health regulations (see Section 567).

Objectionable uses for this district are fireworks manufacture or sales, gun clubs, hunting preserve and slaughterhouses.

Prohibited uses are adult entertainment establishments, mobile homes or mobile home parks.

Section 220 Low Density Residential District (R-1)

The purpose of the low-density residential district is to provide land for single family housing units not to exceed one (1) family per 87,120 sq. ft. or two (2) acres. Commercial and industrial development is prohibited. Group or central water and sewer facilities may be required (see Section 567).

Objectionable uses for this district are fireworks manufacture or sales and junkyards.

Prohibited uses are adult entertainment establishments, gun clubs, mobile homes or mobile home parks, and slaughter houses.

Section 230 Medium Density Residential District (R-2)

The purpose of the medium density residential district is to provide land for multi-family housing units not to exceed four (4) families per 87,120 sq. ft. or two (2) acres. Commercial development is prohibited unless introduced under the planned unit development approach. Central water and sewer facilities may be required.

Objectionable uses for this district are fireworks manufacture or sales, and junk yards.

Prohibited uses are adult entertainment establishments, gun clubs and slaughter houses.

Section 250 **Professional Services District (B-1)**

The purpose of the Professional, Institutional or Quasi-Public district is to provide land for professional offices: doctor, dentist, lawyer, accountant, financial institutions, insurance, professional business, broker, mortuary, school, day care center, health care, museum, etc. which may require highway orientation along or near major thoroughfares and intersections. Residential development is prohibited, but B-1 uses may be contiguous to an R-1 district. (See Schedule) Group or central water and sewer facilities may be required (see Section 567).

Conditional Uses: None

Some determining factors may be:

- A. Twelve (12) or less operating hours per day.
- B. Low traffic volume.
- C. Very low noise level.

Objectionable uses for this district are fireworks manufacture or sales and junk yards.

Prohibited uses are adult entertainment establishments, gun clubs, mobile homes or mobile home parks, and slaughter houses.

Section 251 **Retail Store District (B-2)**

The purpose of the retail store district is to provide land for retail businesses such as, retail hardware, bowling alley, grocery, skating rink, drugstore, movie theatre, barber shop, beauty salon, home furnishing store, carry out and drive thru, eating establishments, bakery, butcher shop, and dry cleaners which may require highway orientation or location along or near major thoroughfares and intersections. Residential development is prohibited. (See Schedule) B-2 uses may not be contiguous to an R-1 district, unless a Twenty-five (25) foot wide buffer zone is provided. Group or central water or sewer facilities may be required.

Conditional Uses: Hotel/Motel, Permitted uses in B-1

Some determining factors may be:

- A. Low to medium noise level.
- B. Moderate to high traffic volume.

Objectionable uses for this district are fireworks manufacture or sales, and junk yards.

Prohibited uses are adult entertainment establishments, gun clubs, mobile homes or mobile home parks, and slaughter houses.

Section 252 **Heavy Retail/Wholesale District (B-3)**

The purpose of the heavy retail district is to provide land for auto dealer sales, service and repair businesses such as plumbing, wholesale hardware supply, electric supply, lumber, building supply, service station, body shop, implement dealer, horticultural nursery, wholesalers, warehouse, trucking contractor, truck and tractor repair, veterinary clinic, kennels, animal boarding, construction/contractors, and hotel/motel with or without eating establishments, which require a highway orientation or large tracts of land. Residential development is prohibited. (See Official Schedule of District Regulations for Permitted Uses). B-3 uses may not be contiguous to an R-1 district, unless a Twenty-five (25)-foot wide buffer zone is provided. Group or central water and sewer facilities may be required.

Conditional Uses: Permitted uses in B-1 and B-2

Some determining factors may be:

- A. Medium noise level.
- B. Moderate to heavy traffic volume.

Objectionable uses for this district are fireworks manufacture or sales, and junk yards.

Prohibited uses are adult entertainment establishments, gun clubs, mobile homes or mobile home parks, and slaughter houses.

Section 260 **Light Manufacturing District (M-1)**

The purpose of the light manufacturing district is to provide land for light manufacturing and related offices, printing and publishing, storage facilities, wholesale and warehousing or food processing facilities or industrial establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or pollution of any kind; operate within enclosed structures; and generate little industrial traffic. Heavy manufacturing or heavy industrial development is prohibited. A twenty-five (25) foot buffer zone must be provided when contiguous to U-1, R-1, R-2, B-1, B-2, B-3, SR-1, SR-2 or SR-3 Districts. Water and sewer facilities must be approved by appropriate agencies prior to issuance of zoning certificate.

Objectionable uses of this district are acid manufacture; explosives or fireworks manufacture or storage; garbage, offal or dead animal reduction or dumping; gas manufacture; glue manufacture or petroleum refining and residential.

Prohibited uses are slaughterhouses and adult entertainment establishments.

Section 261 **Heavy Manufacturing District (M-2)**

The purpose of the heavy manufacturing district is to provide land for heavy manufacturing and related offices, wholesale and warehousing, printing and publishing and transport terminals which require large sites, extensive community services and facilities, ready access to regional transportation, have large open storage and service areas, generate heavy traffic and create no nuisance discernible beyond the district. Extractive manufacturing use is permitted as a conditional use if the operation does not create a hazard or nuisance which adversely affects the health, safety and general well-being of the community and other manufacturing establishments in the district. Residential development is prohibited. Light manufacturing or industrial uses are permitted as conditional uses. All water and sewer facilities must be approved by appropriate agencies prior to issuance of zoning certificate. A twenty five (25) foot buffer zone must be provided when contiguous to U-1, R-1, R-2, B-1, B-2, B-3, SR-1, SR-2, or SR-3 Districts.

Objectionable uses of this district are acid manufacture; explosives or fireworks manufacture or storage; garbage, offal or dead animal reduction or dumping; gas manufacture; glue manufacture or petroleum refining.

Prohibited uses are slaughterhouses, residential housing and adult entertainment establishments.

Section 270 **Special Recreation District- Club (SR-1)**

The purpose of the special recreation district is to provide land for certain uses as specified below.

The following uses listed shall be subject to this Special Recreation District Regulations, except as they may be permitted by other provisions of this Zoning Resolution.

Golf course, golf club, fishing club, model airplane club, driving range, private swimming pool and related facilities operated on an admission fee or membership basis.

Objectionable uses for this district are fireworks sales and use, gun club and archery/gun range.

Prohibited uses are adult entertainment establishments.

Section 271 **Special Recreation District - Amusement (SR-2)**

The purpose of the special recreation district is to provide land for certain uses as specified below.

The following uses listed shall be subject to this Special Recreation District Regulations, except as they may be permitted by other provisions of this Zoning Resolution.

Amusement center, amusement park, driving range, miniature golf, miniature cart/go cart track, sports arena/stadium, multipurpose sports complex, golf course, community swimming pool, fishing lake or similar recreational facilities operated as a public facility (free admission) or on an admission fee basis.

Objectionable uses for this district are fireworks sales and use, gun club and archery/gun range.

Prohibited uses are adult entertainment establishments.

Section 272 **Special Recreation District - Park (SR-3)**

The purpose of the special recreation district is to provide land for certain uses as specified below.

The following uses listed shall be subject to this Special Recreation District Regulations, except as they may be permitted by other provisions of this Zoning Resolution.

Parks, camping or boating facilities, picnic grounds, or similar recreational facility operated on an admission fee or membership basis.

Objectionable uses for this district are fireworks sales and use, archery/gun range, gun club and hunting preserve.

Prohibited uses are adult entertainment establishments.

Section 295 **Special Limited Industrial District (I-1)**

The purpose of the special limited industrial district is to provide land to be used exclusively for major industrial or manufacturing or related purposes requiring a larger site than is required in the M-2 District, and specifically including without limitation;

- (a) Establishments for the development, manufacture and assembly of motor vehicles and other forms of transportation; the development, manufacture and assembly of production equipment; the development, manufacture and assembly of engines; the development, manufacture and assembly of power products and equipment; and any and all other processes related to any of the foregoing;
- (b) Establishments and facilities for the conduct of research and testing concerning the development of: automotive, vehicular and other forms of transportation; engines; power products and equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic;
- (c) Transport terminals, any wholesale, storage (open or enclosed) or warehousing business or business structure or premises for receiving, storing, and/or distributing goods, including railroad stations, lines and terminals;
- (d) Storage (enclosed by screening of 100 percent opacity) of dismantled or wrecked motor vehicles or parts thereof used in connection with the research, development and testing activities and uses under the foregoing clause (b);
- (e) Aviation field (private); and
- (f) Utilities to service all of the above; and excluding all other uses except as specifically permitted in this Resolution or the Official Schedule of District Regulations, provided that such permitted industrial or manufacturing establishments meet the requirements of Sections 530 to 540, inclusive, of this Resolution concerning Special Provisions for Commercial and Industrial Uses. In order to qualify for the I-1 District classification, a lot (as defined with respect to the I-1 District in Article XII) must be comprised of at least nine hundred (900) contiguous acres and be owned, leased or controlled by a person. (See Official Schedule of District Regulations.)

Prohibited uses are mineral extraction, major residential development and other uses prohibited by law.

ARTICLE III PROVISION FOR OFFICIAL ZONING MAP

Section 300 Official Map

The districts established in Section 200 of this Resolution are not all shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Resolution. The districts not shown on the Official Zoning Map but have been established in Section 200 of this Resolution are available for future applications upon approval of Allen Township Zoning Commission and duly adopted by the Resolution of the Allen Township Trustees.

Section 310 Identification of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Fiscal Officer, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 300 of the Zoning Resolution of the Township of Allen, County of Union, State of Ohio," together with the date of the adoption of this Resolution.

Section 320 Recording Changes in the Official Zoning Map

If in accordance with the provisions of this Resolution and Chapter 519, Ohio Revised Code, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Township Trustees with a two-thirds (2/3) vote, with an entry on the Official Zoning Map indicating the resolution number, if any, and the date of adoption.

Section 330 Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Township Trustees may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board of Trustees, attested by the Township Fiscal Officer, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date) as part of the Zoning Resolution of the Township of Allen, County of Union, State of Ohio".

Section 340 Preserving Records

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 350 **Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply.

- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- (5) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.

ARTICLE IV DISTRICT REGULATIONS**Section 400 Compliance with Regulations**

The regulations set by this Resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (1) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

No tract shall be restricted against agricultural pursuits or the construction or use of buildings or structure incident to the use for agricultural purposes of the land on which such buildings or structures are located. Provided however, dwelling houses constructed thereon shall conform to all specifications as set forth in this section and all other buildings shall conform to setback lines.

- (2) No building or other structure shall hereafter be erected or altered:
- (a) to exceed the height or bulk,
 - (b) to accommodate or house a greater number of families,
 - (c) to occupy a greater percentage of lot area, and
 - (d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Resolution.
- (3) No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements established by this Resolution.
- (4) To calculate living area, measurement shall be the sum of the horizontal areas of the several floors of the building measured from the exterior faces of the walls.

Section 410 Schedule of District Regulations Adopted

District regulations shall be as set forth in the Official Schedule of District Regulations, hereby adopted by reference and declared to be a part of this Resolution, and in Article V of this Resolution, entitled "Supplementary District Regulations".

Section 420 Identification of the Schedule of District Regulations

The Official Schedule of District Regulations shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Fiscal Officer, under the following words: "This is to certify that this is the Official Schedule of District Regulations referred to in Section 410 and Article IV of the Zoning Resolution of the Township of Allen, County of Union, State of Ohio", together with the date of the adoption or amendment of this Resolution

ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS**Section 500 Permitted Conditional Uses**

The conditional uses shall conform to all requirements of this Resolution, including additional standards set forth in Sections 501 to 504, inclusive, before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Each conditional use permit shall state specific use and indicate the chart number associated with that use. Each permit shall also be given an application number.

Section 501 Required Plan

A plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a conditional use permit, and such plan shall show the location of all buildings, parking areas, traffic access and driveways, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this Resolution.

Section 502 Expiration

A conditional use permit shall be deemed to authorize only one (1) particular conditional use and shall expire if the conditional use shall cease for more than six (6) months for any reason. Should the property change ownership, the permit shall be valid as long as the conditional use remains consistent or the same.

Section 503 Existing Violations

No permit shall be issued for a conditional use for a property where there is an existing violation of this Resolution.

Section 504 Standards Applicable to All Conditional Uses

The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing and future streets giving access to it; shall be such, that it will be in harmony with the orderly development of the district, and the location, nature of height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair its value thereof. In addition, operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing light, than would be the operation of any permitted use.

Section 510 **Off-Street Parking Requirements**

Off-street vehicle parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity in accordance with the following requirements:

- (1) Each actual parking space shall be a minimum of 9' x 18'.
- (2) Each off-street parking space shall have an adequate vehicular access to a street or alley.
- (3) Whenever the number of off-street parking spaces required is determined from the floor area of a specified use, it shall mean the gross floor area of such use. Fractional numbers shall be increased to the next whole number.
- (4) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (5) Whenever a building or use constructed or established is changed or enlarged in floor area, number of employees, number of housing units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces after the effective date of this Resolution, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Section 511 Number of Parking Spaces Required

The number of off-street parking spaces required shall be provided and satisfactorily maintained by the owner of the property as follows:

USE	MANDATORY PARKING SPACES
One family housing unit	2 spaces
Multi-family housing unit	2 spaces per family
Hotel, motel, lodging house or dormitory	1 space per sleeping room
Private club or lodge	1 space for each 2 members
Church, temple or synagogue	1 space for each 2 seats
Grade school	1 space for each 3 seats in auditorium
College or high	1 space for each teacher, employee and for each 2 students
Library, museum or art gallery	1 space for each employee and 2 spaces for each 300 square feet of floor space
Hospital, clinic, nursing home, or similar institution	1 space for each employee and 2 spaces for each bed
Theater, sports arena, auditorium, stadium or gymnasium other than school	1 parking space for each employee and for each 2 seats
Bowling Alley	1 space for each seat
Mortuary or funeral home	30 spaces for each viewing room
Retail or business service establishment	1 space per each employee per shift and 2 spaces per each 200 square feet of floor area
Offices, personal or professional services, restaurants, nightclubs, dance halls, assembly or exhibition halls without fixed seats	1 space for each employee and 2 spaces per each 200 square feet of floor area
Wholesale or warehousing	1 space for each employee and 1 space for each 300 square feet of floor area
Manufacturing or industrial establishment, research development or testing, or bottling plant	1-1/2 spaces per each employee on the maximum shift

Section 511 - Parking Spaces Requirements

Section 512 **Screening and Landscaping**

Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side that adjoins or faces premises situated in any residential district by a fence or wall of acceptable design. In the I-1 District such design may include the use of barbed wire as part of fencing or wall material when its use is required by federal, state or local governmental authorities. Such fence or wall shall not be less than four (4) feet or more than six (6) feet in height (except that in the I-1 District, fences or walls surrounding test tracks for safety purposes, which fences or walls are set back at least five hundred [500] feet from the property line, may not exceed fifteen [15] feet in height, and except in the I-1 District, where barbed wire is permitted, such fences or walls with barbed wire shall be no more than eight [8] feet in height), and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.

Section 513 **Minimum Distance and Setbacks**

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any housing unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-ways.

Section 514 **Joint Use**

Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Zoning Inspector, shall be filed with the application for a zoning certificate.

Section 515 **Other Locations**

Parking spaces may be located on a lot other than that containing the principal use provided it is within three hundred (300) feet of the principal use. The Board of Zoning Appeals may approve lots farther than three hundred (300) feet from the principal use.

Section 516 **Surfacing**

Any off-street parking area for more than ten (10) vehicles shall be graded for proper drainage and surfaced with acceptable impervious material to provide a durable and dustless surface.

Section 517 **Lighting**

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light downward and away from adjoining premises in any residential district.

Section 518 **Off-Street Loading**

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of five thousand (5,000) square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail, wholesale, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt of merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each additional ten thousand (10,000) square feet, or major fraction thereof, of gross floor area in accordance with the following requirements.

- (1) Each loading space shall not be less than twelve (12) feet in width, fifteen (15) feet in height, and one hundred (100) feet in length for tandem trailers, or thirty (30) feet for straight trucks.
- (2) Loading spaces shall be provided only for industrial or manufacturing establishments. All such loading spaces shall be off-street and shall be located on the same zoning lot as the specific use to be served. No loading space shall be located within fifty (50) feet of an intersection of any two (2) roads.

Section 519 **Temporary Living in Recreational Vehicle**

A recreational vehicle may be used for temporary living quarters for a period not to exceed thirty (30) days per calendar year only in the following zoning areas: U-1, R-1, R-2, SR-1, SR-2 and SR-3.

Section 520 **Special Provisions for Residential Uses**

The regulations applicable to residential uses shall be supplemented by the provisions of Sections 521 to 522, inclusive.

Section 521 **Determining Minimum Floor Area for Housing Units**

The minimum floor area per family in housing units shall include only floor area used for living quarters. Garages, carport, porches and basements are to be excluded.

- (1) Floor: The inside bottom surface of a room, a level or story in building.
- (2) Story: A horizontal division of a building extending from a floor to the ceiling directly above it.
- (3) Level: A horizontal area.
- (4) Bi-Level Home: Having two (2) levels is considered to be a two-story home.
- (5) Split Level Home: Type of house in which the floor levels are staggered so that each level is about a 1/2 story above or below the adjacent level. Split-level designation must have a minimum level area of one thousand three hundred (1,300) square feet total and must meet all other requirements in that zoning district.
- (6) Basement: The story of a building just below the main floor, usually below the surface of the ground.

Section 522 Conversion of Dwellings to More Units

In the R-2 District, a residence may be converted to accommodate an increased number of dwelling units provided:

- (1) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district,
- (2) The lot area per family shall equal the lot area requirements for new structures in that district,
- (3) The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

Section 523 Private Swimming Pools

A private swimming pool, not including farm ponds, shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located,
- (2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located,
- (3) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than six (6) feet in height and maintained in good condition with a gate and lock.

Section 524 **Community or Club Swimming Pools**

A community or club swimming pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families.

Community swimming pools require a SR-2 Special Recreation - Amusement classification and private or club swimming pools require a SR-1 Special Recreation - Club classification and shall comply with the following conditions and requirements:

- (1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under ownership or jurisdiction the pool is operated.
- (2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line of the property on which it is located.
- (3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

Section 525 **Setback Requirement for Corner Buildings**

On a corner lot the main building and its accessory structure shall be required to set back the same distance from all street right-of-way lines as required for the front set back in the district in which such structures are located.

Section 530 **Special Provisions for Commercial and Industrial Uses**

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises, provided that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the performance requirements in Sections 531 to 540, inclusive.

Section 531 **Fire Hazards**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.

Section 532 **Radioactivity or Electrical Disturbance**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

Section 533 **Noise**

Noise, which is objectionable by community standards and/or as, determined by the standards set by OSHA due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 534 **Vibration**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

Section 535 **Smoke**

Smoke shall not be emitted except as permitted under the Environmental Protection Agency's most recent regulations.

Section 536 **Odors**

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

Section 537 **Air Pollution**

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling. No such emissions shall be permitted except in compliance with applicable federal and state environmental protection, health, safety or other applicable federal or state governmental laws and regulations.

Section 538 **Glare**

No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any public street, road or highway.

Section 539 **Erosion**

No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties.

Section 540 **Water Pollution**

Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency and/or the United States Environmental Protection Agency.

Section 541 **Mineral, Clay, Sand and Gravel Extraction, Storage and Processing**

The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Section 542 to 546, inclusive.

Section 542 **Distance from Residential Areas**

Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.

Section 543 **Filing of Location Map**

The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.

Section 544 **Information on Operation**

The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.

Section 545 **Restoration of Mined Areas**

The operator shall file with the Board of Zoning Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage course, or other improvements contemplated.

Section 546 **Performance Bond**

The operator shall file with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

Section 547 **Enforcement Provision**

The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

Section 548 **Measurement Procedures**

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, NY, the Manufacturing Chemists' Association, Inc., Washington, D.C., and the United States Bureau of Mines.

Section 550 **Supplementary District Regulations**

Supplementary regulations apply to several districts or a set of districts and are set forth in Sections 551 to 570, inclusive.

Section 551 **Side and Rear Yard Requirements for Non-residential Uses abutting Residential Districts**

Non-residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between six (6) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty (20) feet of an intersection.

Section 552 **Exceptions to Height Regulations**

The height limitations contained in the Official Schedule of District Regulations, Section 410, do not apply to spires, belfries, cupolas, antennas and other devices used for communications, water tanks, light poles, ventilators, chimneys or other superstructures used for ventilation and related purposes, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 553 **Architectural Projections**

Open structures such as porches, canopies, balconies, platforms, carports and covered patios and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

Section 554 **Visibility at Intersections in Residential Districts**

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

Section 555 **Fences, Walls and Hedges**

Notwithstanding other provisions of this Resolution, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2-1/2) feet in height, except with respect to areas within the I-1 District, in which case any fence, wall or hedge along the sides or front edge of any front yard may be higher than two and one-half (2-1/2) feet in height but may not exceed five (5) feet in height.

Section 556 **Erection of More Than One Principal Structure on a Lot**

In any district, other than the I-1 District, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that yard and other requirements of this Resolution are met.

Section 557 **Parking and Storage of Certain Vehicles**

The following shall apply:

- (1) Automotive vehicles without current license plates shall not be parked or stored within any districts other than in completely enclosed buildings.
- (2) The parking of a disabled vehicle within any district for a period of more than thirty (30) days shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.
- (3) The parking or storage of a junked, dismantled or wrecked automotive vehicle or parts thereof within any district, which is in public view from any highway for a period of more than thirty (30) days, shall be prohibited.

This section shall not apply to properly licensed junkyards or to dismantled or wrecked motor vehicles and parts used in connection with research, development and testing in the I-1 District.

Section 558 **Effective Screening of Junk Storage and Sales**

Junk storage and sales shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening. All junk storage and sales areas are subject to state regulations.

Section 559 **Temporary Building**

Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed within 30 days upon issuance of Occupancy Permit or occupancy. Storage of such facilities or equipment beyond the authorized 30 days shall require a special permit authorized by the Board of Zoning Appeals.

Section 560 **Open Storage and Display of Material and Equipment**

The open storage and display of material and equipment incident to permitted or conditional uses in commercial and industrial districts shall be permitted, provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or plantings. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

Section 561 **Minimum Setbacks for the I-1 District**

No principal building in the I-1 District shall be located within one hundred (100) feet from the property line of the premises upon which such principal building is located.

Section 562 **Sanitary Landfill or Incinerator**

No person shall begin, operate or maintain, for commercial business purposes, a sanitary landfill or incinerator as defined herein.

Section 563 **Yard Sales, Porch Sales, Garage Sales, Etc.**

Any sale at a residence or business of miscellaneous merchandise shall be limited to one sale every ninety (90) days and all signs pertaining to said sales must be removed at the end of said sale.

Section 564 **Burning Structural**

The property owner must notify the Allen Township Fire Chief of any fires within Allen Township. In the case of an intentional fire, said property owner is required to clean up debris within thirty (30) days providing a hazard free appearance. In the case of an accidental fire, said property owner is required to clean up debris within six (6) months providing a hazard free appearance unless prohibited by law due to investigation or settlement of insurance claim, etc., but must be done immediately upon finalization of cause for delay.

Section 565 **Adult Entertainment**

Adult entertainment establishments that offer sexually explicit materials shall not be permitted in Allen Township.

Section 566 **Driveways Common Access Drives and Access Roads**

A Common Access Drive (CAD) provides an alternative to construction of public or private streets for accessing small numbers of lots (not more than five lots) per O.R.C. 711.131, Union County Access Management Regulations, and Union County Technical Design Standards and reduces the number of driveways along public roads.

CADs should be constructed in accordance to standards and restrictions and any additional or more restrictive standards required by the sub-divider's engineer or surveyor, zoning inspector, fire official or County Engineer. (For CAD standards, and requirements, see the Union County Technical Standards, Appendix B)

Section 567 **Household Sewage Disposal Systems**

Contact Union County Health Department for specific rules and regulations

Section 568 **Telecommunications Towers**

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Allen Township Trustees being duly notified of a person's intent to construct a Telecommunications Tower in an area zoned "R-1" and "R-2" District, public utilities or other functionally equivalent providers may site a Telecommunications Tower as a conditional use provided the following conditions are met:

- a) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all agencies and governmental entities with jurisdiction (i.e. Federal Communications Commission, Federal Aviation Administration, Ohio Department of Transportation, and Ohio Building Basic Code).
- b) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211
- c) The applicant must demonstrate at the time of application that no other existing towers are feasible for co-location, and that no technically suitable and feasible sites are available in a nonresidential district. There shall be an explanation of why co-location is not possible, and that a tower at this proposed site is technically necessary.
- d) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of others users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.
- e) Setbacks from all platted residential users and residential districts. All new towers shall be setback from the closest subdivision boundary line of all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of 900 feet.
- f) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways, public and private, a distance of 900 feet.

- g) Setbacks from all other users allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of 900 feet.
- h) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.
- i) The applicant shall notify the Zoning Inspector within 30 days of ceasing operations at the site and shall remove all structures within 120 days of ceasing operations.
- j) No advertising of illumination other than required by law may be located on the structure or on the required screening.
- k) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Union County Building Regulations Department and the Allen Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a telecommunications tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair and/or removal.
- l) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions.
- m) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger – High Voltage." The operator must also post "No Trespassing" signs.
- n) Lighting. Telecommunications towers shall not be artificially lighted unless required by the Federal Aviation Administration or other regulatory authority. If lighting is required, the lighting designs that cause the least disturbance to the surrounding views shall be chosen. All telecommunication facilities shall be unlit except for security lighting, or when authorized personnel are present.

Section 569**Performance Bond**

- 1) For each Telecommunication Tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Section 568 are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment.
- 2) The Allen Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of Section 568 or the abandonment or discontinuance of the use of the tower.

Section 570**Flag Lots**

Flag Lots are used to allow development of backland areas while still maintaining their rural character. All flag lots and irregular type lots must receive a variance from the Allen Township Board of Zoning Appeals to be approved. The suggested requirements for a flag lot are as follows:

- (1) Minimum size of lots should be five (5) acres or more, exclusive of the staff or pole connecting the lot to the public road.
- (2) Flag lots should not be created by subdividing an existing parcel of 10 acres or less if a residence exists on the parcel unless prior approval has been obtained from the Board of Zoning Appeals.
- (3) The staff or pole must be part of the flag lot and must be under the same ownership as the flag portion. (See Article XII Definitions.)
- (4) Minimum front, side and rear yard dimensions (setbacks) should be at least twice those of lots in U-1 and R-1 districts. (See Official Schedule of District Regulations.)
- (5) Residential buildings or structures are not permitted in the staff or pole of the flag lot.

Lots or parcels five (5) acres or more having less than the minimum frontages on the right-of-way line of adjoining public roads or streets must have a front lot line a minimum of one hundred (100) feet forward of the building line which is double the minimum yard setback dimensions of the front yard dimension. It is recommended that the parcel or lot frontage of the staff or pole of the flag at the right-of-way line should not be less than sixty (60) feet; and the width of sixty (60) feet should not be decreased at any point forward of the building line of the residence located on the premises.

Flag Lot Building Line

The building line of a flag lot is the foremost line where a building can be constructed. The building line must be a minimum of one hundred fifty (150) feet wide.

Flag Lot Staff or Pole

The staff or pole of a flag lot is less than one hundred fifty (150) feet wide and connects the flag of the lot to the public roadway. The staff or pole of the flag lot begins at the road and ends where the lot width equals at least 150 feet.

Flag Lot Requirement: All flag lots and irregular lots must have the approval of the Board of Zoning Appeals prior to filing the lot with the County Engineer's office.

ARTICLE VI PLANNED UNIT DEVELOPMENT

Section 600 Purpose of Planned Unit Development

Planned development of land may be permitted in any district except SR-1, SR-2, and SR-3 to encourage and provide a means for effectuating a more desirable physical development pattern than would be possible through the strict application of the density and dimensional requirements of this Resolution.

Section 601 Conditions

It is the purpose of these conditions to recognize and accommodate in a unified development creative and imaginative planned residential development and to permit these innovations in the technology of land development that are in the best interests of the Township of Allen. In order to accomplish this purpose, it is the intention in establishing these conditions:

- (1) To permit, in a planned unit development, a variety of dwelling types including single-family and multi-family dwellings of the garden apartment, townhouse, and high-rise types, and at a maximum density compatible with the purpose of the district within which the planned residential development is proposed,
- (2) To permit the flexible spacing of lots and buildings in order to encourage
 - (a) The separation of pedestrian and vehicular circulation,
 - (b) The conservation of the natural amenities of the landscape,
 - (c) The provision of readily accessible recreation area and green spaces,
 - (d) The creation of functional and interesting reside areas,
 - (e) The provision of a necessary complement of community facilities such as
 - (f) Central sanitary sewer and central water supply systems,
- (3) To permit suitable associated commercial development consistent with the demand created by the planned unit development and compatible with the existing and proposed use of lands adjacent to the planned unit development.

Section 602 General Requirements

The gross area of the tract to be developed under the planned unit development approach shall comprise not less than ten (10) acres. The minimum lot size shall not be less than seventy (70) percent of the lot area per family or use required in the district in which it would otherwise be located. A minimum of ten (10) percent of the land developed in a planned unit development project shall be reserved for open space and similar uses. This ten (10) percent area shall be exclusive of dedicated right-of-ways. Lot widths and required yards may be reduced to eighty (80) percent of the requirement of this resolution.

Section 603 **Disposition of Open Space**

The amount of open space reserved under a planned unit development shall either be held in corporate ownership by the owners of the project area building sites for the use of each owner who buys property within the development or be dedicated to the Township and retained as open space for parks, recreation, and related uses. All land dedicated to the Township must meet the zoning commission's requirements as to shape, size and location. Public utility and similar easements and right-of-way for water courses and other similar channels are not acceptable for open space dedication to the Township, unless such land or right-of-way is usable as a trail or similar way and approved by the Zoning Commission.

Section 604 **Residential Lot Location**

Every property subdivided under the planned unit development shall be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged. A variety of building setbacks, color, and building materials for contiguous townhouse units is encouraged.

Section 605 **Diversification of Lot Sizes**

A diversification of lot sizes may be permitted within a district without additional dedication or creation of open space, provided the overall density of the project area is not increased and provided further the net residential area per family is not reduced below the minimum requirements of Section 602.

Section 606 **Reduction of Planned Unit Development Area**

The minimum tract size to be developed under the planned unit development may be reduced by fifty (50) percent where the proposed development is to contain only residential, commercial or industrial development, not a mixture of uses.

Section 607 **Height Requirements**

For each foot of building height over the maximum height regulations specified in the Official Schedule of District Regulations, Section 410, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by one (1) foot in addition to the side and rear yard required in the district, provided that this additional setback shall not be considered part of the side and rear yards.

Section 608 **Residential Standards**

In Planned Unit Development - Residential, the following uses may be permitted:

- (1) One to four family dwellings, multi-family dwellings
- (2) Professional residence - office
- (3) Religious institutions, schools, community centers, PUD Development recreation
- (4) Membership club house
- (5) Accessory uses
- (6) Off-street parking
- (7) Other uses permitted by the Trustees.

Section 609 **Lot Area and Yard Requirements**

The following shall apply:

- (1) District Area Minimum - 10 acres
- (2) Lot Area Minimum
 - (a) One-family dwellings -- 8,000 sq. ft.
 - (b) Multi-family dwellings -- 2,000 sq. ft. with maximum density of 13 units per acre
 - (c) Non-residential, (Commercial/Industrial)- 10,500 sq.ft
- (3) Required Yards
 - (a) Front, side and rear yards for residential uses shall be designed so that no building which can have more than one unit, is closer than twenty (20) feet to any other building, and no building is closer than twenty five (25) feet to any district boundary line or public street right-of-way.
 - (b) Other permitted uses shall have front, side and rear yards of at least forty (40) feet.
- (4) Maximum Lot Coverage - 25 percent.

Section 610 **Commercial Planned Unit Development Requirements**

Planned unit development of related commercial establishments is encouraged by varying the setback and area requirements. Open space gained through the varying of setback and area requirements is to be used for the development of open plazas, pedestrian malls, tot lots, and other public spaces and uses with adequate arrangement, design and planting.

Section 611 **Commercial Projects, Side Yards and Rear Yards**

Side yards of thirty (30) feet and a rear yard of forty (40) feet shall be required if the project is to be located adjacent to any residential district or planned residential unit development.

Section 612 **Arrangement of Commercial Uses**

The location and arrangement of structures, parking, access drives, outdoor lighting, signs, and other uses and developments in the planned commercial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading and service areas shall be provided in accordance with Section 510 to 518, inclusive. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

Section 613 **Industrial Planned Unit Development Requirements**

Planned unit development of industrial establishments is encouraged by varying the setback and other requirements, if it can be shown that the development results in a more efficient and desirable use of space.

Section 614 **Industrial Project**

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or planned residential unit development.

Section 615 **Arrangement of Industrial Uses**

The location and arrangement of structures, parking, access drives, outdoor lighting, signs, storage areas, and other uses and developments in the planned industrial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 510 to 518, inclusive.

Section 616 **Procedure to Secure Approval of Planned Unit Development**

The procedure in Sections 616 to 623, inclusive, shall be met before approval to develop land under the planned unit development is granted by the Zoning Commission and the Board of Township Trustees.

Section 617 **Preliminary Development Plan**

Three (3) copies of a preliminary development plan shall be submitted to the Zoning Commission for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility.

Any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner and shall include the following information presented in general, schematic fashion:

- (1) Proposed location and size of the planned development
- (2) Proposed land uses, population densities, and building intensities
- (3) Proposed parks, playgrounds, school sites, and other open spaces
- (4) Relation to existing and future land use in surrounding area
- (5) Proposed provision of water, sanitary sewers, and surface drainage
- (6) Proposed traffic circulation pattern, indicating both public and private streets and access points to public rights-of-way
- (7) A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan
- (8) Proposed schedule of site development
- (9) Evidence that the applicant has sufficient control over the land to carry out the proposed development plan within ten (10) years.

Section 618 **Preliminary Development Plan Review**

The Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Resolution; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Zoning Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a detailed development plan.

Section 619 **Detailed Development Plan**

The detailed development plan shall be submitted in five (5) copies and shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect:

- (1) A survey of the proposed development site, showing the dimensions and bearing of the property lines, area in acres, topography, existing features of the development site, including specimen trees, structures, streets, easements, utility lines, and land use;
- (2) A detailed development plan which shall be in conformance with the approved preliminary plan, showing, as appropriate, all the information required on the preliminary development plan, the approximate location and size of lots; the approximate location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties;
- (3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and street landscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, parking area, population density and public improvements proposed for each unit of development whenever the applicant proposes an exception from standard zoning district or other resolution regulations governing development;
- (4) Engineering feasibility studies and plans showing, as necessary, water, sewer, and other utility installations; waste disposal facilities; surface drainage; street improvements; and nature and extent of earth work required for site preparation and development;
- (5) Site plan, showing building(s), various functional use areas, circulation, and their relationship;
- (6) Preliminary building plans, including floor plans and exterior elevations;
- (7) Landscaping plans;

- (8) Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Section 620 **Basis of Approval**

The Zoning Commission may recommend that the Board of Trustees, after a public hearing, approve the detailed development plan, provided the Zoning Commission find that the facts submitted with the application and presented at the hearings establish that:

- (1) The proposed development can be completed within ten (10) years of the date of approval;
- (2) Each individual phase of development, as well as the total development, can exist as an independent phase capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned development;
- (4) Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed;
- (5) Any exception from standard district requirements is warranted by the design and amenities incorporated in the detailed development plans, in accord with the planned unit development and the adopted policy of the Zoning Commission and the Board of Township Trustees;
- (6) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (7) The planned unit development is in general conformance with the comprehensive plan of the Township;
- (8) The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

Section 621 **Action of the Zoning Commission and Board of Trustees**

The Zoning Commission shall deny the detailed development plan if, from the facts presented, the Zoning Commission is unable to make the necessary findings. The Zoning Commission shall certify to the Board of Trustees the approval, approval with specific amendments, or disapproval of the detailed development plan within thirty (30) days of the date of submission of said plan. If the Board of Trustees finds that the proposed planned unit development is consistent with the intent and purpose of this Resolution after a public hearing, it may authorize the Zoning Inspector to issue a zoning certificate authorizing the planned unit development.

Section 622 **Approval Period**

The zoning certificate for a planned unit development shall be for a period often (10) years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five (5) years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the Zoning Commission and the Board of Trustees find that such extension or modification is not in conflict with the public interest.

Section 623 **Other Requirements**

Underground utilities, including telephone and electric systems, are required within the limits of all planned unit developments. Appurtenances to these systems, which can be effectively screened, may be excepted from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

ARTICLE VII MOBILE HOMES AND MOBILE HOME PARKS

Section 700 Location of Mobile Homes

No mobile homes shall be permitted within the boundaries of Allen Township except in mobile home parks, mobile homes in existence prior to 9/14/1992 or as provided for in Section 708 or 709.

Section 701 Location of Mobile Home Parks

A mobile home park is a conditional use in the R-2 District.

Section 702 Size of Acreage for Mobile Home Parks

A mobile home park shall contain a minimum of fifty (50) acres.

Section 703 Density

The maximum density shall not exceed three (3) mobile homes per gross acre.

Section 704 Park Frontage

The park shall have a minimum frontage of five hundred (500) feet.

Section 705 Park Side and Rear Yards

A side yard on each side of the park and a rear yard of thirty (30) feet or more shall be provided around the edge of the Mobile Home Park. Such yards shall not be occupied by or counted as part of an individual mobile home site or as common parking areas.

Section 706 Park Improvements

The location and size of mobile home sites and structures within the mobile home park shall be in accordance with the following provisions:

- (1) Each mobile home site shall have a clearly defined minimum area of twelve thousand (12,000) sq. ft. with a minimum lot width of seventy-five (75) feet, and a minimum depth of one hundred and sixty (160) feet. The minimum width of corner lots, however, shall be seventy-five (75) feet.
 - (a) Each mobile home placed within the mobile home Park shall have a minimum of eleven hundred (1,100) sq. ft. of floor space.
 - (b) Must comply with Union County Board of Health rules regarding sewage and water.
- (2) There shall be a minimum clearance of forty (40) feet between the individual mobile home.
- (3) All streets in mobile home parks shall meet the county road requirements and specifications currently in effect.

- (4) Walkways not less than three (3) feet wide that may abut street pavement shall be provided from the mobile home sites to the service buildings. Such walkways shall be constructed of concrete having a minimum thickness of four (4) inches and lighted by not less than three tenths (3/10) foot-candle of artificial light.
- (5) Each mobile home site shall be provided with a water outlet connected to an approved water supply and a connection to an approved sewer system.
- (6) Electricity, electrical outlets, and wiring shall be according to the current provisions of the National Electric Code published by the National Fire Protection Association.
- (7) The park shall provide service buildings, complying with all applicable building regulations.
- (8) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (9) A safe, usable recreation area shall be conveniently located in each mobile home park, the size of which shall be determined at one thousand (1,000) sq. ft. per household or mobile home.
- (10) No mobile home site shall be located closer to any street right-of-way line than thirty (30) feet measured horizontally from the right-of-way line to the lot line of the mobile home site.
- (11) All telephone, electrical and other distribution lines shall be installed in underground conduits. No overhead lines shall be permitted. All underground utilities, sanitary sewers and drainage structures installed in streets or access roads shall be constructed prior to the surfacing of such roads.
- (12) Each mobile home in the mobile home Park shall be skirted, entirely enclosing the bottom section, within sixty (60) days after placement.
- (13) The maximum height of mobile homes and accessory buildings shall not exceed twenty (20) feet.
- (14) The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. All garbage shall be stored in fly tight, rodent proof containers which shall be located no more than one hundred fifty (150) feet from any mobile home lot and shall be collected at least once weekly.
- (15) All additions to mobile homes shall conform to existing county building codes and required permits will be obtained. These additions include but are not limited to, porches, patios, car ports, canopies or storage buildings. All additions must comply with setback requirements.

Section 707**Mobile Trailers/Vehicles Prohibited**

The use of a mobile home, tractor trailer, railroad car, bus or other similar type vehicle or structure shall not be permitted as an office, structure, storage facility or business structure whether for agricultural, commercial, industrial, residential or any other use except as stated in Section 559.

Section 708 **Replacement of Homes**

When a home has been destroyed or rendered uninhabitable by fire, act of God or by any other means beyond the control of the owner, a mobile home may be authorized by the Board of Zoning Appeals only, for a period not to exceed one (1) year to be used during the reconstruction period. Extension of this one year period may be granted by the Board of Zoning Appeals for replacement construction, but in no event exceeding an extension of one (1) year. Mobile home must be removed from township at expiration of above time.

Section 709 **Replacement of Existing Mobile Homes**

When a mobile home is a primary residence and is destroyed or rendered uninhabitable by fire, act of God or by any other means beyond the control of the owner, the owner may, in hardship cases, petition the Board of Zoning Appeals to replace the destroyed mobile home.

ARTICLE VIII SIGNS AND ADVERTISING

Section 800 **Intent**

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

Section 801 **Definition**

A sign is defined as any name, number, symbol, identification, description, display or illustration, which is affixed to, painted on, or represented directly or indirectly upon a building, structure or other device and which directs attention to any object, product, place, activity, person, institution, organization or business. This includes back lighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity. All signs located on land within Allen Township and visible from any public right-of-way or adjacent property shall comply with this Section unless specifically exempted in Section 803.

Section 802 **General Provisions**

Certificates for all signs, outdoor advertising structures and billboards shall be granted by the Board of Zoning Appeals as a conditional use in accordance with the requirements set forth in Sections 803 to 812, inclusive, except that no permit shall be required for any sign containing less than six (6) square feet of advertising area.

Section 803 **Exemptions and Limitations**

The following signs are exempt from this Article and not subject to certificate, provided no safety or visibility hazards are created:

- (1) The flag, pennant or insignia of any nation, state or city.
- (2) Signs of a duly constituted government body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
- (3) Signs clearly in the nature of decorations customarily associated with any national state, local, or religious holiday, to be limited to forty-five (45) days in any one year, and to be displayed not more than forty-five (45) consecutive days. Such signs may be illuminated.
- (4) Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election provided they are displayed no more than twenty (20) days prior to an election and removed no later than seven (7) days after such election. Such signs shall not exceed six (6) sq.ft. in size, shall not be illuminated in any manner, shall not create a safety or visibility hazard, nor be affixed to any public utility pole, tree or natural object, nor be located within a public right-of-way.

- (5) Signs not exceeding one (1) sq.ft. in area, bearing only property numbers, postal box numbers or names of occupants of premises.
- (6) Signs indicating the sale, rental or lease of real estate, provided such signs are limited in size to less than twelve (12) sq.ft. with one sign per street front. Such signs shall be placed on the property referred to and shall not be placed in public rights-of-way and shall be removed within fourteen (14) days after sale, rental or lease has occurred.
- (7) Signs (limited to seven [7] sq.ft.) for the promotion of school, community service or church activities for a maximum period of thirty (30) days per activity. No one sponsor shall display such promotional sign for more than ninety (90) days in any one year.
- (8) Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to four (4) sq. ft. in area and three (3) feet in height, are set back at least five (5) feet from the right-of-way, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto highways or thoroughfares and contain no information other than the word "IN", "ENTER", "ENTRANCE", "OUT", or "EXIT" and/or arrows indicating desired traffic movement.

Section 804 **General Requirements for Temporary and Permanent Signs**

- (1) Location - No sign shall be placed in public rights-of-way, or in public parks or any other public property or on utility poles, trees or natural objects. No sign shall be located in such a way that it obscures traffic control signs, obstructs the view of approaching or intersecting traffic, or interferes with the visibility or safety of vehicles or pedestrians entering, leaving or crossing a public right-of-way. No sign shall be located in any district zoned R-1 or R-2, except as provided for in Section 802 and in the Home Occupation section.
- (2) Sign Setback Requirements - Except as provided in this Resolution, and specifically excepting directional, identification and entrance signs in the I-1 District, signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the modifications in Sections 805 to 812, inclusive. Directional, identification and entrance signs in the I-1 District shall be set back not less than ten (10) feet from the established right-of-way line of any street or highway.
- (3) Size - Sign area shall include the face of all the display area of a sign. The area of all faces of a sign having two (2) or more display faces shall be included in determining the area of the sign unless two (2) display faces are joined back to back. For spherical signs, the size shall be defined as the area of the bisecting plane. The area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or regular geometrical shape which encompasses all the letters and symbols.
- (4) Design - Signs shall not resemble by design, color, shape or other characteristics any common traffic control device, or directional or warning signs directed or maintained by the state, municipality, or by any railroad, public utility or similar agency concerned with the protection of public health or safety.
- (5) Lighting-
 - (a) If illuminated, signs shall be illuminated only by the following means:

- (i) By a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
 - (ii) By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.
- (b) The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable safety hazard to air traffic or to vehicular traffic on any street from which the sign may be viewed.
- (6) Construction - All signs shall be properly constructed and maintained to insure that no hazard is created and shall be able to withstand a wind pressure of thirty (30) pounds per sq. ft. All electrical wiring, fittings and materials used in the construction and operation of electrically illuminated signs shall conform to the construction specifications of the National Electric Code (or the local electric code in effect). All signs and related surroundings shall be properly maintained and shall not be allowed to fall into a state of obvious disrepair or neglect.
- (7) Attachment - No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.
- (8) Installation in Violation - If any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with this Resolution.
- (9) Sign Identification - All signs hereafter hung or erected shall be plainly marked with the name of the person, firm or corporation hanging or erecting such sign. The Zoning Inspector shall maintain a listing of sign permit numbers including type, dimension and location. The location of signs shall also be noted on a Township map.

Section 805 Permanent Signs

All permanent signs shall also comply with the following requirements and with the height, area and setback regulations of this section.

- (1) Wall Signs - Wall signs are permitted for any business or use not identified by a ground sign.
- (a) Placement
 - (i). Wall signs shall not protrude more than ten (10) inches from the building, wall or face.
 - (ii). Signs may be attached to a building wall or extension which faces a street, parking lot or service drive, or may be attached to a canopy, marquee or roof which projects beyond the building, provided that no part of the sign may extend above the roof, canopy or marquee.
 - (b) Size - The maximum allowable size for any wall sign shall be one (1) sq. ft. of sign area for each lineal foot of width of the building face to which the sign is attached, but shall not exceed the maximum size allowed by the table in Section 805.

- (c) Number - Wall signs shall be limited in number to one per building or use except in I-1 District. For buildings or uses on corner lots having at least one hundred (100) feet of frontage on each of the two public right-of-ways, a second sign is permitted facing the right-of-way. There shall be no limit on the number of wall signs permitted on property in the I-1 District as long as the other requirements contained in this Resolution are complied with.
- (2) Ground Signs - Ground signs shall include pole signs and other types of free-standing signs supported by uprights or braces on the ground. A ground sign must be constructed on, the designated piece of property (ground) and have directly related graphics to the same specific business.
 - (a) Size -The maximum area and height for any ground sign shall be determined by the table in Section 805. The maximum height shall be measured from the established grade line to the highest point of the sign or its frame or support. In the I-1 District, free-standing directional, identification and entrance signs not over fifty (50) feet in height, with each face of such signs not to exceed twenty-five (25) feet in length and ten (10) feet in height, having a maximum total sign area of two hundred fifty (250) sq.ft. per display area and located not closer than twenty (20) feet to any highway right-of-way line and not closer than sixty (60) feet to any adjoining lot Line, may be erected.
 - (b) Number - No more than one (1) ground sign shall be permitted on any one lot or multiple lots if devoted to one specific use or user. If more than one specific use or user is applicable, two signs may be placed within such lot or lots provided they are no closer than three hundred (300) feet of each other.
 - (3) Roof Signs - A roof sign shall be construed as any sign erected upon the roof of a building or having some part extending above the roof line of the building. The roof line shall be defined as the upper most line of the roof of the building, or in the case of any extended building facade, the uppermost height of the facade. Roof signs are prohibited except for those which do not extend above said roof line except in the I-1 District.
 - (4) Projecting Signs - A projecting sign is any sign attached to a building in such a way that the sign face is not parallel to the building face.
 - (a) Projecting signs shall be limited in number to one (1) per business or use for each public right-of-way that the business or use faces.
 - (b) Projecting signs shall not exceed four (4) sq. ft. in area or project more than three (3) feet from the building face or hang lower than eight (8) feet above the level of the pedestrian walkway.
 - (5) Billboards - A sign directing attention to a specific business, product, service, entertainment or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located or for public service and information or for political advertising. All billboards must have a conditional use permit from the Board of Zoning Appeals.
 - (a) Set back for twenty-five (25) sq. ft. sign or less, twenty (20) feet set back, twenty-six (26) to fifty (50) sq. ft. must have fifty (50) feet set back, fifty-one (51) to ninety-nine (99) sq. ft. must be one hundred (100) feet set back from right-of-way, one hundred (100) sq. ft. Or more must be two hundred (200) feet set back from right-of-way except I-1 District. Setback from side property lines must be no less than one hundred (100) feet.

- (b) Must be five hundred (500) feet from any intersection and must be a minimum of one thousand (1,000) feet apart, may not exceed one thousand one hundred (1,100) sq. ft. in size and shall have a maximum height of thirty-five (35) feet and be measured from the established natural grade line to the highest point of the sign or its frame or support.
- (c) No such billboard, sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any "R" District within one hundred (100) feet of such lot line, or which faces any public parkway, public square or entrances to any public park, public or parochial school, library, church or similar institution, within three hundred (300) feet thereof.

TABLE OF AREA, HEIGHT AND SETBACK REQUIREMENTS

	WALL SIGNS		GROUND SIGNS		
	Max. Area sq. ft.	Max Height. ft.	Max. Area sq.ft.	Max. Height ft.	Min. Setback ft.
School, church, library	20	8	20	6	10
Multi-family project Identification	20	8	20	6	10
Rental/Sales office within Residential District	8	8	8	6	10
Child care, nursing home	8	8	Not Permitted	Not Permitted	N/A
Office - administrative, professional, other	25	15	20	15	10
Personal service	35	15	25	15	10
Hospital	35	15	30	15	10
General commerce (retail, restaurant, lodging, consumer service, entertainment, wholesale, transportation, manufacturing, research)	80	15	50	15	10

Section 805 – Sign Requirements**Section 806****Temporary and Portable Signs**

- (1) Temporary signs shall include signs indicating or promoting the development of land, facilities or structures. Such signs must comply with the provisions of Section 803 with the exception that temporary signs shall not be illuminated. They shall be limited to thirty-two (32) sq. ft. in area and eight (8) feet in height and be a minimum of ten (10) feet from the public right-of-way.
- (2) Portable signs are signs designed to be moved about and are not permanently attached to any part of a building or to the ground. No such sign shall be more than thirty-two (32) sq.ft. of area per side. All portable signs shall be placed so they do not create a hazardous condition and must meet a minimum set back of ten (10) feet. These signs may be illuminated.

Section 807 **Special Conditions**

In addition to the requirement and regulations previously listed, the following special conditions shall apply as applicable:

- (1) Nonconforming Signs - all existing signs that do not conform to the standards of this Section must be brought into conformity.
 - (a) Upon any change of use of the property for which such property was intended at the time this Article became effective.
 - (b) Upon alterations to the existing sign, the following regulations shall apply.
 - (i) Structural - No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Article.
 - (ii) Repainting - The repainting of signs shall not be deemed to be an alteration within the meaning of this Section.
 - (iii) Existing Signs; Continuance - Except as otherwise specifically provided, nothing in this Section shall require the removal or discontinuance of a legally existing permanent display sign which is attached to the realty, as distinguished from a temporary or portable sign, that is not altered, rebuilt, enlarged, extended or relocated, and the same shall be deemed a nonconforming use under the terms of this Section.
- (2) Conditional Uses - A conditional use shall be subject to the same sign requirements as if such use were a permitted use.

Section 808 **Area of Announcement and Professional Signs**

Announcement or professional signs for home occupations and professional activities where permitted shall not exceed six (6) sq. ft. in all districts.

Section 809 **Signs for Public or Quasi-Public Purposes**

Bulletin boards and signs for church, school, community, or other public or quasi-public institutional buildings shall be permitted, provided the area of such bulletin board or sign shall not exceed six (6) sq. ft.

Section 810 **Subdivision Signs**

Upon application to the Zoning Inspector, a permit may be issued in accordance with this Resolution allowing a land sales sign, provided that the sign shall not be illuminated, the sign shall advertise the sale or development of a recorded lot division subdivision, the sign shall be erected only upon the property for sale or being developed and shall be set back from the street right-of-way at least one (1) foot for each square foot of sign area, the sign shall not be in excess of thirty (30) sq. ft. not more than one (1) such sign shall be placed along single road frontage of any property in single and separate ownership, provided that not more than two (2) such signs may be permitted in any single development, and a permit for the erection, construction or maintenance of said sign shall expire within one (1) year.

Section 811 **Fees: Maintenance**

- (1) Fees - Prior to the erection of any sign, except as otherwise noted, a conditional use permit shall be secured from the Board of Zoning Appeals. In applying for such permit, a scale drawing or drawings of proposed sign and a plot plan showing its proposed location and location of adjacent buildings shall be submitted to the Zoning Inspector. A fee schedule may be obtained from the Zoning Inspector. NOTE: No fee is required for signs exempted in Section 802.
- (2) Re-inspection and Maintenance - All signs for which a permit shall be issued in accordance with this Article shall be subject to the following provisions:
 - (a) The Zoning Inspector shall re-inspect each sign once every twenty-four (24) months following erection of such sign to determine its compliance with applicable building regulations of the Township and to insure proper operating conditions and maintenance.
 - (b) Whenever the inspecting official, when making a re-inspection, finds a sign in need of repair, support, replacement, cleaning, repainting or any maintenance service necessary to maintain reasonable and proper appearance and public safety, he shall issue an order to the owner of such sign allowing thirty (30) days to affect needed repairs or maintenance.
 - (c) Failure of an owner to comply with the provision listed above shall be cause for the inspecting official to order the permit used for the sign void and issue an order for the sign to be removed within fifteen (15) days.

Section 812 **Abandoned Signs**

A sign shall be considered abandoned:

- (1) When the sign is associated with an abandoned use.
- (2) When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this determination only if they have been operational within the last twelve (12) months.
- (3) When the sign on its immediate premises is not adequately maintained and the repairs or maintenance ordered under Section 808 are not affected within the specified time.
- (4) When the sign does not conform to the provisions of this Article or is not brought into conformity in accord with Section 807(a).

The Zoning Inspector shall determine abandonment. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Inspector shall issue an order for the sign to be removed within thirty (30) days. Any abandoned sign still standing after thirty (30) days following an order for removal may be removed by the Township and the cost of the removal billed to the owner of the property.

ARTICLE IX NON-CONFORMING USES

Section 900 Intente

Within the districts established by this resolution or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this or future amendment. It is the intent of this resolution to permit these non-conformities to continue until they are removed or discontinued. It is further the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 901 Incompatibility of Non-Conforming Uses

Non-conforming uses are declared by this resolution to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

Section 902 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction.

Section 903 Single Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

EXCEPTION: Notwithstanding Section 904 of this resolution, lots of record that were recorded on or before January 6, 1999, with frontage of Eighty Feet (80') or more and a minimum lot size of Forty Thousand Square Feet (40,000 sq. ft.) will be deemed to meet minimum frontage and lot size requirement for U-1 and R-1 districts. Section 904 applies to all lots recorded after January 6, 1999.

Section 904 **Non-Conforming Lots of Record in Combination**

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this resolution, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this resolution.

Section 905 **Non-Conforming Uses of Land**

Where, at the time of adoption of this resolution, lawful use of land exists which would not be permitted by the regulations imposed by this resolution, the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- (2) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this resolution.
- (3) If any such non-conforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.
- (4) No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming use of land.

Section 906 **Non-Conforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such non-conforming structure may be enlarged or altered in a way, which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- (2) Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an act of God, it may after approval of the Board of Zoning Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two months of the time of destruction.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 907**Non-Conforming Uses of Structures or of Structures and Land in Combination**

If a lawful use involving individual structures or of a structures and land in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any non-conforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any non-conforming use of a structure, or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this resolution.
- (4) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- (5) When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the land), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (6) Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure may eliminate the non-conforming status of the land except as stated in Section 906 paragraph 2, subject to approval by the Board of Zoning Appeals.

Section 908**Repairs and Maintenance**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE X ADMINISTRATION AND ENFORCEMENT**Section 1000 Office of Zoning Inspector Created**

A Zoning Inspector designated by the Board of Township Trustees, shall administer and enforce this Resolution. The Inspector may be provided with the assistance of such other persons as the Board of Township Trustees may direct. If the Zoning Inspector shall find that any of the provisions of this Resolution are being violated, the Inspector shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Inspector shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.

Section 1001 Zoning Certificates Required

No building or other structure shall be erected, moved, added to, or structurally altered without a zoning certificate therefore issued by the Zoning Inspector. No zoning certificate shall be issued by the Zoning Inspector except in conformity with the provisions of this Resolution unless he received a written order from the Board of Zoning Appeals in the form of an administrative review, conditional use, or variance as provided by this Resolution.

Section 1002 Application for Zoning Certificate

All applications for zoning certificates shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Inspector, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution. The Zoning Inspector shall retain One (1) copy of the plans, similarly marked.

Section 1003 Record of Zoning Certificates

The Zoning Inspector shall maintain a record of all zoning certificates and a copy shall be furnished upon request to any person.

Section 1004 Failure to Obtain a Zoning Certificate

Failure to obtain a zoning certificate shall be a violation of this Resolution and punishable under Section 1022 of this Resolution.

Section 1005 **Expiration of Zoning Certificate**

If the work described in any zoning certificate has not begun within one hundred eighty (180) days from the date of issuance thereof, said certificate shall expire and be canceled by the Zoning Inspector, with written notice thereof given to the persons affected. If the work described in any building certificate has not been substantially completed within two and one-half (2-1/2) years of the date of issuance thereof, said certificate shall expire and be canceled by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained.

Section 1006 **Construction and Use to be as Provided in Applications, Plans, Permits and Zoning Certificates**

Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with the authorized shall be deemed a violation of this Resolution and punishable as provided by Section 1022 hereof.

Section 1007 **Applicants**

Applicants or their official representative (attorneys, power of attorneys, etc.) must be present for rezoning hearings, Conditional Use Permit hearings or for Variance hearings to provide appropriate knowledge and/or pertinent answers to questions before an application may be passed on.

Section 1008 **Issuance of Zoning Certificate for Projects Requiring Site Plan Review**

The Zoning Inspector shall not issue a zoning certificate for any application requiring site plan review by the Zoning Commission and the Township Trustees, namely Planned Unit Development (Article VI), unless the Zoning Commission and the Township Trustees have approved the site plan.

Section 1009 **Board of Zoning Appeals Established**

A Board of Zoning Appeals is hereby established, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years, except that the initial appointments shall be one (1) year each for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the unincorporated area of Allen Township. Members of the Board of Zoning Appeals may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Board of Township Trustees for the un-expired term of the member affected.

Section 1010 **Proceedings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairperson and at such other times as the Board of Zoning Appeals may determine. The chairperson, or in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

Section 1011 **Hearings Appeals; Notices**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the governing body of the Township affected by any decision of the Zoning Inspector. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board of Zoning Appeals. The Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record from which the action appealed was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal, give at least ten (10) days notice to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the same within a reasonable time. At the hearing, any party may appear in person, or by agent or attorney.

Section 1012 **Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken, and on due cause shown

Section 1013 **Powers and Duties of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the powers and duties set forth in Sections 1014 to 1022, inclusive

Section 1014 **Administrative Review**

The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Resolution.

Section 1015**Conditional Uses**

The Board of Zoning Appeals shall hear and decide only such conditional uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of this Resolution; decide such questions as are involved in determining whether conditional uses should be granted; and grant conditional uses with such conditions and safeguards as are appropriate under this Resolution; or deny conditional uses when not in harmony with the purpose and intent of this Resolution. A conditional use shall not be granted by the Board of Zoning Appeals unless and until:

- (1) A written application for a conditional use is submitted indicating the section of this Resolution under which the conditional use is sought and stating the grounds on which it is requested.
- (2) Notice shall be given at least ten (10) days in advance of the public hearing by publication in a newspaper of general circulation in the area. The notice shall state the date, time and place and the nature of the proposed hearing. The same information shall be mailed by Registered/Certified mail with return receipt to all parties in interest. These shall include the applicant and property owners contiguous to and directly across the road (street) from the property concerned.
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- (4) The Board of Zoning Appeals shall within thirty (30) days make a finding that it is empowered under the section of this Resolution described in the application to grant the conditional use and that the granting of the conditional use will not adversely affect the public interest.
- (5) Before any conditional use shall be issued, the Board of Zoning Appeals shall make written findings certifying compliance with the specific rule governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:
 - (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe,
 - (a) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - (b) Refuse and service areas, with particular reference to the items in (a) and (b) above.
 - (c) Utilities, with reference to locations, availability, and compatibility.
 - (d) Screening and buffering with reference to type, dimensions, and character.
 - (e) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
 - (f) Required yards and other open space.
 - (g) General compatibility with adjacent properties and other property in the district.

Section 1016**Variances: Conditions Governing Applications; procedures**

To authorize, upon appeal in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance. A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until:

- (1) A written application for a variance is submitted demonstrating,
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (b) That literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
 - (c) That the special conditions and circumstances do not result from the actions of the applicant.
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures or buildings in the same district.
- (2) Notice of public hearing shall be given as in Section 1015 (2) of this Resolution.
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- (4) The Board of Zoning Appeals shall make findings that the requirements of Section 1016 (1) have been met by the applicant for a variance.
- (5) The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) The Board of Zoning Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Section 1018 **Board Has Powers of Zoning Inspector on Appeals: Reversing Decision of Zoning Inspector**

In exercising the powers in Sections 1014 to 1017, inclusive, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution, or to effect any variation in the application of this Resolution.

Section 1019 **Duties of Zoning Inspector, Board of Zoning Appeals, Governing Body and Courts on Matters of Appeal**

It is intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Resolution. Under this Resolution proposed amendments or the repeal of this Resolution as provided by law, approving Planned Unit Development projects and of establishing a schedule of fees and charges as stated in Section 1020 of this Resolution.

Section 1020 **Schedule of Fees, Charges and Expenses**

The Board of Township Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, zoning appeals and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1021 **Complaints Regarding Violations**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

Section 1022**Penalties for Violation**

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XI AMENDMENTS

Section 1100 General Requirements

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Board of Township Trustees may by resolution, and after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by the law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. It shall be the duty of the Zoning Commission to submit its recommendations regarding all applications or proposals for amendments to the Board of Township Trustees.

Section 1101 Procedure for Change in Zoning Districts

Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the Zoning Commission, at its public office, upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each proposal for a zone change shall be accompanied by a reproducible vicinity map at a scale approved by the Zoning Inspector, showing all property lines, streets, and existing and proposed zoning. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Zoning Commission shall be accompanied by its motion pertaining to such proposed amendment. The procedure for amendment of the Zoning Resolution shall follow the Ohio Revised Code, Chapter 519, Townships.

Section 1102 Application Fees

At the time that an application for a change of zoning districts is filed with the Zoning Commission, as provided herein, a fee shall be paid to the Zoning Inspector, who shall deliver same to the Township Fiscal Officer, for investigation, legal notices and other expenses incidental to the determination of the zoning change. Such sums so deposited shall be credited to the general fund of the Township.

ARTICLE XII DEFINITIONS

Interpretation of Terms or Words

For the purposes of this Resolution, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is mandatory, the word "may" is permissive.
- (4) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".
- (5) The word "lot" includes the words "plot" or "parcel".

Accessory Use or Structure

A use or structure (such as a garage) on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult Entertainment Establishments

Establishments that offer sexually explicit materials.

Agriculture

"Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Alterations, Structural

Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Animal Hospital, Clinic, Kennel

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical and surgical attention.

Applicant

Person who applies for application.

Aviation Field - Helicopter Pad (Private)

Any privately owned and operated, FAA approved runway, landing area or other facility designed, used or intended to be used for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage facilities and tie down areas, hangars and other necessary buildings and open spaces.

Basement

The story of a building just below the main floor, usually below the surface of the ground.

Bi-level Home

A home having two (2) levels, is considered to be a two story home.

Billboards

A sign directing attention to a specific business, product, service, entertainment or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located or for public service and information or for political advertising.

Buffer Zone

A land area that cannot be included in the front, side or rear yard dimensions. This area must be in addition to standard minimum yard dimensions. It must be landscaped and/or mounded to provide a visual barrier.

Building

Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Building, Accessory

A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Height of

The vertical distance from the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or from the finished grade to the highest point of the building between eaves and ridge for gable, hip and gambled roofs.

Building, Principal

A building in which is conducted the main or principal use of the lot on which said building is situated.

Business, Drive-in

Any business, structure or premise, which is designed primarily to conduct business transactions from motor vehicles without the occupants having to leave the vehicle.

Business, Limited Classification

A small business (commercial or industrial enterprise) self-employed and/or privately owned business with no more than five (5) employees inclusive of owners, officers and relatives. The Limited Business shall generate no more traffic than would normally be expected in the present zoning district. Separate off-street parking as provided for under Section 510 and Section 511 will be required other than just yard type parking.

Equipment or processes used in said business, which creates objectionable noise, vibration, glare, fumes, odors, or electrical interference to the adjoining properties shall not be permitted.

Business, Retail, Convenience Type

A small retail business whose market area is the neighborhood or part of the community, which provides convenience type goods and personal services for the daily needs of the people within the residential area. Examples of convenience type businesses are drug stores, food stores, cleaners and barber shops.

Business, Retail, Shopping Type

A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping type businesses are furniture stores, automobile sales and service, jewelry stores and clothing stores.

Business, Service

Any profit making activity which renders primarily services to the public or other commercial or industrial enterprises. Some retail sales may be involved in connection with the service rendered.

Chassis

Steel undercarriage framework to which a dwelling is attached.

Common Access Drive (CAD)

A common Access Drive (CAD) is a privately constructed, privately owned and privately maintained driveway within an ingress/egress easement, serving more than one lot (or parcel) but not more than five lots (or parcels), properly installed in accordance with Union County Engineer Common Access Drive Regulations and for which the county and township accept no responsibility for maintenance, either initially or at any time in the future. A common access drive provides an alternate to construction of Public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads. (See Section 566)

Conditional Use

A use permitted within a district other than a permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are presented in the Official Schedule of District Regulations.

Conditional Use Permit

A permit issued by the Board of Zoning Appeals to allow a use other than a permitted use to be established within the district.

Density

A unit of measurement, the number of dwelling units per acre of land.

- (1) Gross Density - the number of dwelling units per acre of the total land to be developed.
- (2) Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

District, (Zoning)

See Section 200

Dwelling

Any building or structure (except a house trailer or mobile home as defined hereafter) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Apartment

A room or set of rooms fitted especially with housekeeping facilities and usually leased as a dwelling.

Dwelling, Apartment House

A building containing separate residential apartments, also called apartment building.

Dwelling, Industrialized Unit

A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or a greater structure, and that requires transportation to the site of intended use. “Industrialized Unit,” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a complete structural entity. “Industrialized Unit” does not include a manufactured or mobile home as defined herein.

Dwelling, Mobile Home

A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or Industrialized unit as defined herein.

Dwelling, Manufactured Home

A non self-propelled building unit or assemble of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards.

Dwelling, Multi-family

A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided, including public housing units and industrialized units, i.e., townhouses, condominiums.

Dwelling, Single-family

Detached, individual units, which accommodate one family living as one housekeeping unit. The type of construction of such units shall conform to the applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code [ORC 519.212] definition of permanently sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must”

- a) Be constructed to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995;
- b) Have a permanent label or tag attached to it as specified in 42 U.S.C.A., certifying compliance with all federal construction and safety standards;
- c) Be attached to a permanent frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full foundation), and connected to appropriate utilities;
- d) Excluding any additions, have a width of at least 22 feet;

- e) Have a total living area of 1,100 square feet, excluding garages, porches, or attachments;
- f) Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and a minimum "A" roof pitch of 3:12;
- g) Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
- h) Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for a minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
- i) And, is not located in a manufactured home park as defined by ORC 3733.01.

Dwelling, Townhouse

Same as Building, Apartment.

Dwelling, Unit

Space within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family and its household employees.

Eating and Drinking Establishment

An establishment offering food and drink for consumption either inside or outside the building or portion thereof.

Enclosed Storage

Any building such as a warehouse, pole barn, etc., fully enclosed on all sides and with roof.

Essential Services

The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, mains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings.

Family

Those persons living in a dwelling unit who are related by blood, adoption or marriage, and no more than two unrelated individuals.

Farm

A farm is an area of land on which an agricultural product is produced that derives an income and has a cash marketable value for landowner or tenant.

Fire, Accidental

Fire that is started accidentally by causes beyond the control of the property owner or resident.

Fire, Intentional

Fire that is started by property owner or resident with the consent of the Fire Chief to rid property of unsightly structure/debris.

Floor

A floor is the inside bottom surface of a room, a level or story in building.

Floor Area, Usable

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the walls. For multi-family housing, measurement shall be the sum of the area taken from exterior walls.

Food Processing

The preparation, storage, or processing of food products. Examples of these activities include but are not limited to bakeries, dairies, canneries and other similar businesses.

Gun Club (Public or Private)

Any private or public facility, indoors or outdoors, for the discharge of firearms operated on a fee or membership basis.

Hazardous Wastes

Substances which, singly or in combination, pose a significant presence or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bio-concentrative or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

Home Occupation

An occupation conducted on the premises, providing that:

- (1) No person other than members of the family residing in the dwelling unit shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly, incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding six (6) sq. ft. in area and non-illuminated.

- (4) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (5) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Incinerators

A furnace or other device used for burning trash or other unwanted items or materials.

Industrialized Housing

See Dwelling, Industrialized Unit

Junk

"Junk" means scrap copper, brass, rope, rags, trash, waste, batteries, tires, paper, rubber, pallets, junked dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

Junk Yard

Any establishment or place of business, which is maintained, used, or operated for buying or selling wrecked, scrapped or ruined, or dismantled motor vehicles or motor vehicle parts. (See Motor Vehicle Salvage Facility).

Kennel/Animal Boarding

Any lot or premise, on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.

Level

A horizontal area.

Loading Space, Off-street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot

For the purpose of this Resolution, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area for one (1) principal building together with its accessory building and which provides such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street (road), or on an approved private street, and may consist of:

- (1) A single lot of record,
- (2) A portion of a lot of record,
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record,
- (4) A parcel of land described by metes and bounds.

However, in no case of diversion or combination shall any residential lot or parcel be created which does not meet the requirements of this Resolution. With respect to areas within the I- 1 District, for the purpose of making measurements under other sections of this Resolution, such as determining the size of a lot or the length of the frontage of a lot, or for the purposes of Section 515 of this Resolution, the term "lot" shall mean one (1) or more contiguous lots of record as recorded in the office of the County Recorder, or parcels of land as listed on the County Auditor's current tax list, owned or leased by a single person or entity and used by such person or entity as a unified whole for the purposes described in Section 295 of this Resolution. For purposes of determining the size of a lot in the I- 1 District, such lot may include land located in one (1) or more other township(s), so long as the zoning resolution(s) and map(s) of the other township(s) also provide that such land may be used for the purposes described in Section 295 of this Resolution.

Lot Coverage

Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage

The front of a lot shall be the continuous portion at the street or road right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all continuous sides of a lot adjacent to street or road right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section. Also, see Lot Measurements.

Lot Measurements

A lot shall be measured as follows:

- (1) Depth - The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
- (2) Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or road right-of-way line, except on cul-de-sac streets (roads) where it is measured at the setback line. Also see **LOT FRONTAGE**.

Lot, Minimum Area of

The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street (road). The area of a flag lot is computed exclusive of the staff or pole.

Lot of Record

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types

Terminology used in this Resolution with reference to corner lots, deeded road lots, flag lots, interior lots, irregular lots, and through lots is as follows:

- (1) A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (2) A deeded road lot is defined as a lot used to provide access and frontage to building lots or gated communities with no structures other than decorative gates. The deeded road lot width shall have a minimum of sixty (60) feet. See Union County Road Specifications.
- (3) A flag lot is a lot not meeting minimum frontage requirements and where access to the public road is by a narrow section of land. A variance must be obtained from the Board of Zoning Appeals for all flag lots. (See Supplementary District Regulations, Article V, Section 570.)
- (4) An interior lot is defined as a lot other than a corner lot with only one (1) frontage on a street.
- (5) An irregular lot is a lot not meeting the requirements in the Official Schedule of District Regulations. Therefore, a variance must be obtained from the Board of Zoning Appeals.
- (6) A through lot is a lot defined as other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

Manufacturing, Heavy

Manufacturing, processing, assembling, mining, storage, research, testing and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary to any large extent.

Manufacturing, Light

Manufacturing or industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating within enclosed structures; and generate little industrial traffic and no major nuisances.

Mineral Extraction or Extractive Industry

Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

Mobile Home

A modular unit built to the standards and specifications of the Department of Housing and Urban Development (HUD). The units are built on a steel chassis for transportation, which is also the permanent support for the home.

Mobile Home Park

Any site, or tract of land under single ownership, upon which three (3) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Modular Home

Modular homes are built to the standards and specifications of the Ohio Basic Building Code (O.B.B.C.). They are designed like site-built homes in that either the basement or crawl space walls support the floor joists and sidewalls. A modular home has no steel frame unit and is transported on a reusable carrier. A modular home has no title.

Motor Vehicle Salvage Facility

Any establishment or place of business, which is maintained, used or operated for buying or selling wrecked, scrapped or ruined, or dismantled motor vehicles or motor vehicle parts. (See Junk Yard.)

Non-conforming Use

A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

Nursery Business

A horticultural type business (tree and/or plant) whose main purpose is the buying, warehousing and/or temporary growing of transitional plants for the purpose of resale, both wholesale and retail.

Objectionable Uses

Any use that is socially unacceptable to residents of Allen Township.

Offices

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a financial, charitable, philanthropic or religious or educational nature are also included in this classification.

Parking Space, Off-street

For the purpose of this Resolution, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for ten (10) or more automobiles shall have individual spaces marked, and shall be so designated, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and un-parked without moving another. For purposes of computation, an off-street parking space and necessary access and maneuvering room shall be estimated at three hundred (300) sq. ft., but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all resolutions and regulations of the Township and/or County.

Planned Unit Development

An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design, principles, and landscaping plans.

Ponds

A man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout.

Printing and Publishing

Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

Public Service Facility

Any facility or utility operated in the interest of the public, including electricity, gas, telephone, transportation, water, sewer, solid waste disposal, or any similar public service structure or land use, excluding Telecommunication Towers.

Public Use

A public school, park, administrative, cultural or recreational building, excluding public service facilities.

Quasi-public Use

Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable, philanthropic or non-profit nature.

Recreation, Commercial

Any business, which is operated as a recreational enterprise, either publicly or privately, owned, for profit. Examples include, but are not limited to: golf courses, swimming pools, bowling alleys, etc.

Recreation, Non-commercial

Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, ballparks, etc.

Recreational Vehicle

A vehicular type unit designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper or motor home. Also includes all terrain vehicles, amphibious vehicles, motorized and non-motorized vehicles, with 2, 3, 4 or more wheels, all used for recreational purposes.

Recreational Vehicle Park

A parcel of land upon which recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles, tents, or other individual camping units on a temporary basis. Also includes trails, paths or bodies of water to be used by recreational vehicles such as ATV, amphibious vehicles, etc.

Recreational Vehicle Site

A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.

Research, Development and Testing

Establishments, structures, facilities and areas devoted to research, product development and scientific testing, whether in connection with the development of new products, the discovery of causes of product failure or malfunction, and specifically including, without limitation, the conduct of research, development and testing concerning: automotive, vehicular and other forms of transportation, engines, power products and equipment, production equipment, any and all other processes related to any of the foregoing, and improved highway facilities for vehicular traffic.

Residence, Low Density

Land to be utilized for single-family housing units not to exceed one (1) family per 87,120 sq.ft. or two (2) acres.

Residence, Medium Density

Land to be used for multi-family housing units not to exceed eight (8) families per 87,120 sq.ft. or two (2) acres.

Residence, Very Low Density

Very low-density residential land use refers to farm housing units and isolated residential developments not requiring an official plat under the County Subdivision Regulations.

Right-of-way

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities.

Sanitary Landfill

A disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

Seats

For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Service Business

See Business Service

Service Station

Buildings and premises where fuel, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

- (1) Sales and servicing of batteries and ignition components,
- (2) Tire servicing and repair, but not recapping or re-grooving.
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like,
- (4) Radiator cleaning and flushing,
- (5) Washing and polishing, and sale of washing and polishing materials,
- (6) Greasing and lubrication,
- (7) Providing and repairing fuel pumps, oil pumps and lines,
- (8) Minor servicing and repair of fuel systems,
- (9) Electrical and electronic component repair,
- (10) Adjusting and repairing brakes;
- (11) Minor engine adjustment not involving removal of the head or crankcase or racing the motor;
- (12) Sales of cold drinks, packaged food, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- (13) Provisions of road maps and other informational material to customers, provision of restroom facilities.

Setback Line

A line established by the Zoning Resolution generally parallel with and measured from the lot line, defining limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said Code.

Sewers, Central or Group

A publicly approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

Sewers, On-site

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage, and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sign

Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

- (1) **Sign, Ground** A display sign supported by uprights or braces in or upon the ground surface.
- (2) **Sign, Illuminated** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- (3) **Sign, Lighting Device** Any light, string of lights, or group of lights located or arranged so as to cause illumination on a sign.
- (4) **Sign, Marquee** A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, line or street lot line.
- (5) **Sign, Off Premises** Any sign **unrelated** to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.
- (6) **Sign, On Premises** Any sign **related** to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.
- (7) **Sign, Projecting** A display sign which is attached directly to the building wall and which extends more than three (3) feet from the face of the wall or hangs lower than eight (8) feet above the level of pedestrian walkway.
- (8) **Sign, Roof** A display sign, which is erected, constructed and maintained above or on the roof of a building.
- (9) **Sign, Temporary** A display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
- (10) **Sign, Wall** A display sign which is painted on or attached directly to the building wall and which extends not more than three (3) feet from the face of the wall.

Slaughterhouse

Processing of livestock, fowl, fish (and/or game animals) into meat by-products.

Solid Wastes

Unwanted residual solid or semi-solid material that is a result of residential, industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, and slag and other substances, which are harmful to public health. Solid wastes include, but is not limited to, garbage, combustible and non-combustible material, street dirt and debris. For purposes of this definition, "material from construction operations" and "material from demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation material.

Split-Level Homes

Type of house in which the floor levels are staggered so that each level is about a 1/2 story above or below the adjacent level. Split-level designation must have a minimum level area of one thousand three hundred (1,300) square feet total and must meet all other requirements in that zoning district.

Storage Facilities

Land, buildings and structures devoted primarily to the storage of goods, equipment and material.

Story

A horizontal division of a building with the area extending from a floor to the ceiling directly above it.

Structure

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Telecommunications Towers

Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A Telecommunication tower shall meet all of the following conditions:

- a) It is constructed on or after October 31, 1996;
- b) It is owned or principally used by a public utility engaged in the provision of telecommunication services;
- c) It is a freestanding structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

Toxic or Hazardous Material

Any substance or mixture by physical characteristic such as flammability, corrodibility, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the township or community.

Trailer

Any vehicle with an integrated frame which has or has had an axle and/or wheels and/or electric brakes and/or a towing device (tongue or hitch).

Transient Lodging

A building in which lodging, or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house or dormitory. Examples include hotel, motel, apartment hotel or Bed and Breakfast.

Transitional Plantings

Plantings that are potted, balled or otherwise temporarily stored for resale.

Transport Terminals

A facility of a carrier line (as a railroad, trucking or shipping line) where trucks, etc. are parked waiting to be dispatched with a load or to pick up a load. Most transport terminals consist of a maintenance area, office, reception area and sometimes-small warehouse area.

Use

The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance

A variance is a modification of the term of the Zoning Resolution where such variance will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces, establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Veterinary Hospital and Clinic

A place for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodation on the premises for treatment, observation and/or recuperation. (It may also include boarding that is incidental to the primary activity.)

Warehouse

A structure for the storage of merchandise or commodities.

Warehouse, Wholesale and Distribution Facility

A facility which houses a business which primarily stores, sells and distributes large quantities of goods or commodities to customers throughout a regional territory.

Wholesale

Business establishments that generally store and sell commodities in large quantities or by piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Yard

A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front

A yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of three (3) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of three (3) feet and ten (10) feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicated otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Inspector may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of all corner lots, a front yard of the required depth shall be provided on all frontages.

The minimum depth of required front yards shall be measured horizontally from the property line or right-of-way line to the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch.

Yard, Rear

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side

A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot lines.

Occupancy Permit

A document issued by the County Building Inspector authorizing the occupancy or use of building or structure or the actual use of lots or land in accordance with the previously issued zoning certificate.

Zoning Amendment

Amendments to Zoning resolution; procedure; referendum; form of petition; filling requirements, may be made according to section 519.12 of the Ohio revised code

Zoning Certificate

A document issued by the Township Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE XIII INTERPRETATION AND ENACTMENT**Section 1300** **Provisions of Resolution Declared to be Minimum Requirements**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

Section 1301 **Separability Clause**

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1302 **Repeal of Conflicting Resolutions. Effective Date**

All resolutions or parts of resolutions in conflict with this Zoning Resolution, or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

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PASSED _____
Chairman, Township Trustees

ADOPTED _____
(Date)

ATTEST _____
(Township Fiscal Officer)

REVIEWED AND RECOMMENDED BY:

Judith Walk, Chairperson Zoning Commission

Charlotte Blumenschein, Zoning Commission

Louis Mayer, Zoning Commission

Andrew See, Zoning Commission

Gary Wallace, Zoning Commission

Allen Township, Zoning Change History

October 4, 1999

- 1) Reduced the number of “B” zoning districts from five to three.
 - a) Combined old B1 and B2 into new B!
 - b) Renamed old B3 to B2
 - c) Combined old B4 and B5 into new B3
- 2) Updated M1 and M2 to reflect new “B” District numbering
- 3) Corrected typo, page 6, SR-I to SR-1
- 4) Updated “Schedule of District Regulations” table to reflect the above changes

December 20, 2000

- 1) Section 251
 - a. Removed Auto Dealer from permitted uses
 - b. Added “Retail” to hardware in permitted uses
 - c. Corrected typo in permitted uses, line 6 from B-3 to B-2
 - d. Added Hotel/Motel as a conditional uses
- 2) Section 252
 - a. Added Auto Dealer to permitted uses
 - b. Added “Wholesale” to hardware in permitted uses
 - c. Remove duplicate reference to “wholesale hardware
 - d. Added Hotel/Motel to permitted uses
 - e. Removed Hotel/Motel from conditional uses
- 3) Section 566
 - a. Updated entire section defining Driveways, Common access drives and Access roads
- 4) Section 568
 - a. Added new section regulating Telecommunications towers
- 5) Section 569
 - a. Added new section regulating Performance bond for telecommunications towers
- 6) Article XII
 - a. Revised “Common Access Drive” definition
 - b. Revised “Dwelling, Industrial Unit’ definition
 - c. Revised “Dwelling, Mobile Home” to agree with State definition
 - d. Removed “Dwelling, Modular Home” to agree with State definition
 - e. Added “Dwelling, Manufactured Home” definition
 - f. Revised “Dwelling, Single-Family” to agree with State definition
 - g. Revised “Public Service Facility” to exclude telecommunication towers
 - h. Revised “Telecommunications Towers” to agree with State definition
 - i. “Toxic or Hazardous Material”, changed corrossitivity to corrodibility

December 20, 2000 (cont)

Zoning Map changes

- 7) District U1
 - a. Removed “Low density residential” from conditional use
 - b. Removed “Billboards” from conditional use
- 8) District R1
 - a. Added “Enclosed storage” to permitted uses
 - b. Added “Telecommunications towers” to conditional uses
 - c. Removed “Billboards” from conditional uses

- 9) District R2
 - a. Added “Telecommunications towers” to conditional uses
 - b. Removed “single family housing” from conditional uses
 - c. Added “Yes, under Article VIII” in Signs permitted column
- 10) District B2
 - a. Removed “Auto Dealer” from permitted uses
 - b. Added “Retail” to hardware in permitted uses
 - c. Added “Hotel/Motel” to conditional uses
- 11) District B3
 - a. Added “Auto Dealer” to permitted uses
 - b. Added “Wholesale” to hardware in permitted uses.
 - c. Removed duplicate “Wholesale Hardware” in permitted uses
 - d. Removed “Hotel/Motel” from conditional uses

October 6, 2001

- 1) Section 519
 - a. Corrected typographical error, “days per calendar year” corrected to show Thirty (30) days.
- 2) Section 900
 - a. Line 5, removed phrase “but not to encourage their survival” and added phrase “or discontinued”.
- 3) Section 902
 - a. Last line, removed phrase “provided that work shall be carried on diligently”.
- 4) Section 903
 - a. Added the word “Single” in the title
 - b. Line 4, removed phrase “Such lot must be in separate ownership and not continuous frontage with other lots in same ownership”.
 - c. Added EXCEPTION, “Notwithstanding Section 904 of this resolution, lots of record that were recorded on or before January 6, 1999, with frontage of Eighty Feet (80’) or more and a minimum lot size of Forty Thousand Square Feet (40,000 sq. ft.) will be deemed to meet minimum frontage and lot size requirement for U-1 and R-1 districts. Section 904 applies to all lots recorded after January 6, 1999.”
- 5) Section 904
 - a. Line 5, removed phrase “or sold”.
- 6) Section 905
 - a. Paragraph 3, line 2, changed “thirty (30) days” to “two (2) years” to conform to Ohio Revised Code.
- 7) Section 906
 - a. Paragraph 2, line 2, removed phrase “any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this resolution”. Added phrase “fire or an act of God, it may after approval of the Board of Zoning Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two months of the time of destruction.”

8) Section 907

- a. Line 1, changed “If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000) or more, or of structure and premises” to “If a lawful use involving individual structures or of a structures and land”
- b. Paragraph 3, line 2, changed the word “premises” to “land”. Changed phrase “may be of special excerption” to “may, upon appeal to the Board of Zoning Appeals,”. Line 4, removed phrase “either by general rule or by making findings in the specific case,”.
- c. Paragraph 5, line 2, changed phrase “six (6) consecutive months or for eighteen (18) months during any three (3) year” to “more than two (2) years”.
- d. Paragraph 6, line 1, changed “premises” to “land”. Line 2, changed “shall” to “may”. Line 3, changed phrase “. Destruction for the purpose of this subsection is defined as damage to an extent on more than 50 percent of the replacement cost at the time of destruction” to “except as stated in Section 906 paragraph 2, subject to approval by the Board of Zoning Appeals.”

9) Section 908

- a. Line 1, changed “On a non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair” to “On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs,”
- b. Line 4 removed phrase “. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.”

10) Article XII, page 64, Lot Types

- a. Paragraph 2, changed “An interior lot is a lot” to “An interior lot is defined as a lot”
- b. Paragraph 3, changed “A through lot is a lot other” to “A through lot is a lot defined as other”
- c. Added paragraph 4.

11) Reprinted corrected Index.

June 18, 2003

1) Section 802

- a. At the end of the paragraph, add, “, except that no permit shall be required for any sign containing less than six (6) square feet of advertising.”

2) Section 803, paragraph (6)

- a. Change sixteen (16) to twelve (12)

3) Page 60, Home Occupation

- a. Paragraph (1), change “on the premises” to In the dwelling unit”.
- b. Paragraph (5), remove “if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence”.

4) Page 62, Lot Frontage

- a. Change, “the portion” to “the continuous portion” and “all sides” to all continuous sides”.

March 2007

- 1) Changed all instances of Township Clerk to Township Fiscal Officer.
- 2) Updated members of Board of Zoning Appeals
- 3) Page 3
 - a) Section 251, added B-1 as a permitted use.
- 4) Page 4
 - a) Section 252, Added B-1 and B-2 as permitted uses. Added the phrase “with or without eating establishments” after Hotel/Motel. Removed “etc.” after Hotel/Motel.
- 5) Page 19
 - a) Section 550 changed “Sections 551 to 560” to “Sections 551 to 570”.
 - b) Corrected Article reference in page header, re-printed entire section.
- 6) Page 24
 - a) Added Section 570 as Future.
- 7) Page 63
 - a) Lot Types. Added definitions for Irregular Lots. Changed to alphabetical order.
- 8) Updated Official Schedule of District Regulations to match changes in B-1, B-2 and B-3 sections.
 - a) Heading “Minimum Lot Size” removed phrase “per Household”
 - b) Heading “Minimum Yard Dimensions” added word (Setbacks)
 - c) Changed Minimum lot size in B-3 to 87,120 under column WITH GROUP OR CENTRAL WATER & SEWAGE TREATMENT.

October 15, 2008

- 1) Page 24
 - a) Added definition of Flag Lots.
- 2) Page 58
 - a) Amended Dwelling, Single Family, line “d”
- 3) Page 63
 - a) Lot, Minimum area of, to include Flag lots
 - b) Lot Types, to include Flag Lots.
- 4) Page 22
 - a) Section 566, rewrote definition.